

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD G. JOHNSON,	§
	§ No. 296, 2005
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ C.A. No. 05M-06-067
	§
Respondent Below-	§
Appellee.	§

Submitted: August 10, 2005

Decided: August 31, 2005

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 31<sup>st</sup> day of August 2005, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The petitioner-appellant, Ronald G. Johnson, filed an appeal from the Superior Court's June 16, 2005 order denying his petition for a writ of habeas corpus. The respondent-appellee, the State of Delaware, has moved to affirm the judgment of the Superior Court on the ground that it is

manifest on the face of the appellant's opening brief that the appeal is without merit.<sup>1</sup> We agree and affirm.

(2) In April 2005, Johnson was arrested and charged with nine separate offenses in connection with a domestic violence incident. After a preliminary hearing in the Court of Common Pleas, Johnson was bound over for trial in the Superior Court. He was ordered held on \$25,000 cash bail. In May 2005, Johnson was indicted by the grand jury on all nine charges. The record reflects that he currently is being held by the Department of Correction in default of bail.

(3) On appeal, Johnson states that he has appealed this matter to this Court for a "finding of facts." He also requests that another matter, an appeal from Superior Court C.A. No. 05M-05-003 (Supreme Court No. 254, 2005), be consolidated with the instant appeal because both appeals "seek the same relief."

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.<sup>2</sup> Habeas corpus only provides "an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment."<sup>3</sup> "Habeas corpus relief is not

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<sup>1</sup> Supr. Ct. R. 25(a).

<sup>2</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

<sup>3</sup> *Id.*

available to ‘[p]ersons committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.’”<sup>4</sup>

(5) In this case, there is no evidence to suggest that the charges against Johnson are facially invalid or that there are any jurisdictional defects. As such, the Superior Court properly denied Johnson’s petition for a writ of habeas corpus. Moreover, Johnson’s request for consolidation is moot, since this Court already has dismissed his other appeal.<sup>5</sup>

(6) It is manifest on the face of Johnson’s opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the State’s motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>4</sup> Id. (quoting Del. Code Ann. tit. 10, § 6902(1)).

<sup>5</sup> *Johnson v. State*, Del. Supr., No. 254, 2005, Holland, J. (July 11, 2005).